

Indiana Department of Education

Division of Exceptional Learners

### **COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	1865.02
COMPLAINT INVESTIGATOR:	Sandie Scudder
DATE OF COMPLAINT:	January 30, 2002
DATE OF REPORT:	March 1, 2002
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	April 8, 2002

### **COMPLAINT ISSUES:**

Whether the Western School Corporation and the Kokomo Area Special Education Cooperative violated:

- 511 IAC 7-25-5(e) by failing to ensure the case conference committee (CCC) considered an independent educational evaluation when making decisions about the provision of a free appropriate education to a student with a disability.
- 511 IAC 7-25-7(b) by failing to conduct additional evaluations in the areas of assistive technology and auditory processing and convene a CCC within 60 instructional days of the parent's written consent for the evaluations.
- 511 IAC 7-27-4(c)(5) by failing to ensure the CCC considered the student's language and communication needs, opportunities for direct communications in the Student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode.
- 511 IAC 7-20-3(a) by failing to implement a comprehensive system of personnel development that provides for the training and information dissemination to parents regarding the provision of a free appropriate public education.

### **FINDINGS OF FACT:**

1. The student (Student) is 7 years old, is in the 1<sup>st</sup> grade, and is eligible for special education and related services as a student with an orthopedic impairment and a communication disorder.
2. The Complainant asserts that recommendations from the Student's independent educational evaluation conducted on April 5, 2001, are not being utilized in the classroom. The CCC Report dated May 29, 2001, states that the CCC met with a consultant from the agency who conducted the independent educational evaluation to review the Student's goals. The August 13, 2001, IEP included goals which addressed some of the concerns listed in the independent educational evaluation: social interaction, categorization, and communication. Adaptations and modifications that are included in the independent educational evaluation are listed in the IEP, including: weekly note to parents, preferential seating, and shortened assignments. However, no references are made to sign language, full-time aide, or suggested teaching methods that were included in the independent educational evaluation. The parent signed the IEP, indicating her consent to provision of the services identified in the IEP.

3. The Complainant states that she requested an Assistive Technology Evaluation and an evaluation for a central auditory processing disorder last spring. The Complainant wrote a letter to the special education coordinator dated September 17, 2001, stating her belief that "it would be beneficial to have [the Student] tested for Auditory Processing Disorder." The Complainant's letter did not mention an assistive technology evaluation. The School stated there was confusion about whether this was a request for evaluation or a just a statement. However, the School staff took no action upon receipt of the letter to clarify their confusion. Sixty instructional days from the date of the parent's letter elapsed on December 13, 2002. Written parent permission for an Assistive Technology evaluation and a Central Auditory Processing evaluation was obtained on November 9, 2001. The 60 instructional day timeline elapsed on February 22, 2002. A CCC meeting was convened on February 19, 2002.
4. An assessment to address the Student's nonverbal skills was completed by the Indiana School for the Deaf on July 11, 2001, and recommended that the Student be exposed to a variety of means of communication including: spoken English, signing, the use of a communication device, and gestures. The assessment was reviewed at the August 13, 2001, CCC meeting. Suggestions resulting from the Assistive Technology evaluation support the Student's benefiting from sign language to express his needs and for continued encouragement to talk. The August 13, 2001, CCC Report/IEP does not address or include goals for sign language. The Complainant signed the IEP in agreement with the proposed services.
5. The Complainant asserts that the School does not inform parents of special needs children of inservice or training opportunities to help parents gain knowledge regarding their child's disabilities. The planning district's CSPD application for the 2000-2001 school year indicates that the School will utilize its CSPD funds for teachers to adapt and modify curriculum four times during the school year. The results of this collaboration are then shared with parents for their input. According to the School principal, the School doesn't conduct inservice trainings for parents.

## CONCLUSIONS:

1. Finding of Fact #2 indicates that the independent educational evaluation was considered at the May 29 and August 13, 2001, CCC meetings, and the August 13, 2001, IEP included some of the suggestions listed in the independent educational evaluation. The parent signed the IEP consenting to the proposed services. 511 IAC 7-25-5(e) states that the results of an independent evaluation shall be considered in any decisions made with respect to the provision of a free appropriate public education to the student if the independent evaluation complies with agency criteria for an evaluation. However, the CCC determines which recommendations from the independent educational evaluation shall be included in the IEP. Therefore, no violation of 511 IAC 7-25-5(e) is found.
2. Finding of Fact #3 establishes that the School received the parent's request for an evaluation for a central auditory processing disorder on September 17, 2001. Although the School asserts it was uncertain whether the parent's letter constituted a request for an evaluation, the School took no action to clarify the letter. The central auditory processing disorder evaluation was not completed within the 60 instructional day timeline. Therefore, a violation of 7-25-7(b) is found with respect to this evaluation. Finding of Fact #3 also reflects that the assistive technology evaluation was conducted and the CCC convened within the required 60 instructional day timeline. Therefore, no violation of 511 IAC 7-25-7(b) is found with respect to the assistive technology evaluation.

3. Finding of Fact #4 indicates that an assessment was completed by the school for the deaf and recommended that the Student receive sign language. The Assistive Technology evaluation also stated that the Student would benefit from sign language to express his needs. Although the CCC considered these evaluations, the IEP developed at the August 13, 2001, CCC meeting does not include goals to address sign language. However, the Complainant signed the IEP in agreement with the proposed services. Therefore, no violation of 511 IAC 7-27-4(c)(5) is found.
4. Finding of Fact #5 reflects that the school corporation has a plan in effect to involve parents in the educational curriculum. 511 IAC 7-20-3(a) requires the School to develop a plan for a comprehensive system of personnel development, but permits the School significant discretion in determining the contents of that plan. Therefore, no violation of 511 IAC 7-20-3(a) is found.

**The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.**

**CORRECTIVE ACTION:**

The Western School Corporation and the Kokomo Area Special Education Cooperative shall submit a letter of assurance that, when school staff are uncertain whether a letter from a parent is a formal request for an evaluation, staff will immediately follow up with the parent to ascertain the parent's intent. The letter of assurance shall be submitted to the Division no later than March 22, 2002.

DATE REPORT COMPLETED: March 1, 2002